

ASSEMBLY BILL

No. 1345

Introduced by Assembly Member Reyes
(Principal coauthor: Assembly Member Koretz)
(Coauthor: Senators Alarcon and Soto)

February 21, 2003

An act to add Chapter 6.5 (commencing with Section 1111) to Part 3 of Division 2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1345, as introduced, Reyes. On-air broadcast employees.

Under existing law, broadcast employers may restrict on-air employees from seeking and accepting other employment, both during the term of employment and afterwards.

This bill would make it unlawful for broadcast employers to restrict on-air employees from seeking and accepting other employment that does not conflict with existing employment obligations, and would provide specified damages, as well as attorney's fees and costs, if an on-air employee prevails in an action challenging the restriction.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6.5 (commencing with Section 1111) is
2 added to Part 3 of Division 2 of the Labor Code, to read:
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CHAPTER 6.5. THE BROADCAST INDUSTRY FREEDOM OF
CONTRACT ACT

1111. This chapter shall be known and may be cited as the Broadcast Industry Freedom of Contract Act.

1112. As used in this chapter:

(a) “Broadcast employer” means an employer that is a television station, television network, radio station, or radio network.

(b) “On-air employee” means a person who performs live or pre-recorded on-camera or audio announcing duties for a broadcast employer, including, but not limited to, newsmen, news anchors, disc jockeys, talk show hosts, co-hosts, assistant talk show hosts, or sidekicks.

(c) “Prospective employment access restriction” means a term or a clause in an employment contract between a broadcast employer and an on-air employee that does one of the following:

(1) Requires an on-air employee to negotiate exclusively with a broadcast employer concerning continued or future employment during the final 12 months of an employment agreement or after the term of an employment agreement.

(2) Prohibits or limits an on-air employee, during any portion of the term of an employment agreement with a broadcast employer, from communicating or negotiating with any third party or entering into an agreement of any kind concerning prospective future employment that does not conflict with an on-air employee’s existing employment obligations to a broadcast employer.

(3) Imposes any “first-refusal” or other obligations upon an on-air employee, permitting a broadcast employer to prevent an on-air employee from accepting employment with a new prospective employer by matching the compensation or other benefits offered by the new prospective employer.

1113. It is an unlawful employment practice for a broadcast employer to include in any employment agreement with an on-air employee a provision that is a prospective employment access restriction.

1114. Any person aggrieved by a violation of the provisions of this chapter may bring an action for damages or for declaratory or injunctive relief. If the plaintiff prevails in an action under this

1 section, the plaintiff shall be entitled to recover damages actually
2 incurred or five thousand dollars (\$5,000), whichever is greater,
3 and shall be awarded reasonable attorney's fees and costs.

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